

Application Serial No.: 10/683,913  
Art Unit: 2863**REMARKS**

This is a full and timely response to the outstanding final Office Action mailed April 24, 2006. Reconsideration and allowance of the application and pending claims are respectfully requested.

**I. Final Rejection is Not in Order**

The MPEP states that "[b]efore a final rejection is in order a clear issue should be developed between the examiner and applicant." "The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and the examiner should be developed, if possible, before appeal." Further, the final rejection "should include a rebuttal of any arguments raised in the applicant's reply." See MPEP § 706.07 and § 707.07(f) ("Where the applicant traverses any rejection, the examiner should, if her or she repeats the rejection, take note of the applicant's argument and answer the substance of it.").

In the current final Office Action, the reply to the Applicants' rebuttal arguments appear to be incomplete. The final Office Action states that the Applicants' previous arguments were not considered to be persuasive and then begins to summarize the Applicants' previous arguments and then summation stops without completion of an explanation or rebuttal. A copy of the relevant passage from the final Office Action is provided below:

In this instance applicant argues that the prior art of record does not teach third means for processing said equipment data in accordance with a plurality of optional services (col.5, lines 57-58), wherein said configuration data is adapted to enable or disable said optional services, (col. 5, Lines 49-62), wherein said appliance is adapted to restart upon receiving a restart signal from said communication module. (Col.1, lines 20-24), a communications module for receiving

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one or more software components each software component for processing said equipment data in accordance with an optional service and for receiving a set of configuration data adapted to or disable said software components 1, lines 62-63)

final Office Action, pages 11-12.

Accordingly, Applicants are unable to clearly discern what issues the Examiner would like to express concerning Applicants' earlier arguments. Therefore, the final Office Action does not appear to be in compliance with MPEP § 706.07 or § 707.07(f). Thus, Applicants respectfully request withdrawal of the finality of the current Office Action and that any subsequent Office Action, if necessary, be non-final.

## II. Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-7, 9-12, 14-28, 30-32, and 34-46 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Narasimhan* (U.S. Patent 6,446,192) in view of *Perholtz* (U.S. Patent No. 5,732,212). Applicants respectfully traverse this rejection. It is well-established at law that, for a proper rejection of a claim under 35 U.S.C. § 103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

### a. Claim 1

As provided in independent claim 1, Applicants claim:

An appliance for monitoring equipment comprising:  
first means for receiving data from said equipment;

second means for receiving a set of configuration data, wherein said second means includes a communication module; and

*third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said appliance is adapted to restart upon receiving a restart signal from said communication module.*

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Narasimhan* in view of *Perholtz* does not disclose, teach, or suggest at least "third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said appliance is adapted to restart upon receiving a restart signal from said communication module," as recited and emphasized above in claim 1.

For example, *Narasimhan* appears to teach at most a single integrated chip that is connected to a device "thereby allowing the device to be easily connected to the internet for remote control and monitoring." Col. 6, lines 21-24. The chip 36 "implements all networking services required to interface the device with a high performance computer network 32 for remote control and monitoring by one or more clients 30." Col. 6, lines 30-35.

With regard to the Office Action, it alleges that the portion of the *Narasimhan* disclosure cited at col. 5, lines 49-62 discloses "third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said appliance is adapted to restart upon receiving a restart signal from said communication module." However, this portion of the disclosure is describing a

client 30 and not the single integrated chip 36. Regardless, the client 30 does not appear to process equipment data based upon configuration data that is adapted to enable or disable optional services. At most, *Narasimhan* teaches that the chip 36 may be set up for different network interface options, but it clearly fails to teach or suggest that processing of equipment data is able to be configured in accordance with configuration data that is adapted to enable or disable optional service, as described in the claim. *See* cols. 11-12, lines 49-39.

Further, the Office Action acknowledges that *Narasimhan* fails to teach or suggest the feature "wherein said appliance is adapted to restart upon receiving a restart signal from said communication module," as recited in the claim. However, the Office Action alleges that *Perholtz* discloses the feature. Office Action, page 10.

With regard to *Perholtz*, it appears to teach at most that a remote computer or PC 2 monitors a host PC 10 and in so doing, the remote PC 2 may instruct the host PC 10 to restart or re-boot. *See* col. 12, lines 16-32. This is not similar to the present subject matter, since *Perholtz* fails to teach or suggest that an appliance for monitoring equipment is adapted to restart upon receiving a restart signal. Rather, *Perholtz* is more akin to the situation of an equipment device restarting, and not the appliance monitoring the equipment device. Therefore, *Perholtz* is legally inadequate to disclose the alleged feature.

For at least these reasons, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Narasimhan* in view of *Perholtz* has not been made. Therefore, the rejection of claim 1 should be withdrawn.

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b. Claims 2-7, 9-12, and 14-20

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-7, 9-12, and 14-20 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-7, 9-12, and 14-20 contain all the steps and features of independent claim 1. For at least this reason, the rejections of claims 2-7, 9-12, and 14-20 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 2-7, 9-12, and 14-20, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

With particular regard to claim 10, Applicant submits that because of the uniqueness of the claim limitations, claim 10 clearly distinguishes the claimed subject matter over the cited references. For example, *Narasimhan* teaches that a client machine is provided software updates from the single integrated circuit chip. It fails to teach or suggested that the chip itself receives upgraded software components. It is therefore respectfully requested that serious reconsideration be given to allowing claim 10.

With particular regard to claim 11 (which depends from claim 10), Applicant submits that because of the uniqueness of the claim limitations, claim 11 clearly distinguishes the claimed subject matter over the cited references. For example, *Narasimhan* teaches that a client machine is provided software updates from the single integrated circuit chip. It fails to teach or suggested that configuration data of the single integrated circuit chip is adapted to enable or disable a new or upgraded

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software component that is provided to a client machine. It is therefore respectfully requested that serious reconsideration be given to allowing claim 11.

With particular regard to claim 19, Applicant submits that because of the uniqueness of the claim limitations, claim 19 clearly distinguishes the claimed subject matter over the cited references. For example, *Narasimhan* teaches the single integrated circuit chip is physically attached to a device 22. It fails to teach or suggested that the chip is a stand-alone device separate from said equipment, as described in the claim. While the Office Action suggests that a network server 20 discloses the claimed limitation, the network server 20 does not satisfy all of the limitations for an appliance as stated in claim 1 from which claim 20 depends. It is therefore respectfully requested that serious reconsideration be given to allowing claim 19.

c. Claim 21

As provided in independent claim 21, Applicants claim:

An appliance for monitoring equipment comprising:  
a data port for receiving data from said equipment;  
*a communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components;*  
a memory for storing said software components; and  
*a processor for executing said software components in accordance with said configuration data.*

(Emphasis added).

Applicants respectfully submit that independent claim 21 is allowable for at least the reason that *Narasimhan* in view of *Perholtz* does not disclose, teach, or suggest at least "a communication module for receiving one or more software

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components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components" and "a processor for executing said software components in accordance with said configuration data," as recited and emphasized above in claim 21.

For example, *Narasimhan* appears to teach at most a single integrated chip that is connected to a device "thereby allowing the device to be easily connected to the internet for remote control and monitoring." Col. 6, lines 21-24. The chip 36 "implements all networking services required to interface the device with a high performance computer network 32 for remote control and monitoring by one or more clients 30." Col. 6, lines 30-35.

With regard to the Office Action, it alleges that the portion of the *Narasimhan* disclosure cited at col. 1, lines 62-63 discloses "a communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components." However, this portion of the disclosure is describing a web server machine 20 of the background art. Moreover, the portion of the disclosure (e.g., FIG. 12) that allegedly discloses "a processor for executing said software components in accordance with said configuration data" is that of a single interface chip 36. Therefore, the Office Action fails to state where the disclosure teaches an appliance for monitoring equipment that includes both these claimed elements.

Also, it appears that *Narasimhan* teaches at most that a single network interface chip 36 may be connected to a device and set up for different network interface options, but it clearly fails to teach or suggest that processing of equipment

data is able to be configured in accordance with configuration data that is adapted to enable or disable optional service, as described in the claim. *See* cols. 11-12, lines 49-39.

Further, the cited art of *Perholtz* fails to cure the deficiencies of the *Narasimhan* reference in suggesting or teaching all of the claimed features. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Narasimhan* in view of *Perholtz* has not been made. For the aforementioned reasons, the rejection of claim 21 should be withdrawn.

d. Claim 22

As provided in independent claim 22, Applicants claim:

An appliance for monitoring one or more office equipment devices comprising:

a data port for receiving data from an equipment device;

*software adapted primarily for monitoring said equipment devices, said software including one or more software components, each software component for processing equipment data in accordance with an optional service;*

*a communication module for receiving a set of configuration data adapted to enable or disable said software components, wherein said software components comprise at least software with instructions for monitoring a different appliance;*

a memory for storing said software; and

*a processor for executing said software in accordance with said configuration data.*

(Emphasis added).

Applicants respectfully submit that independent claim 22 is allowable for at least the reason that *Narasimhan* in view of *Perholtz* does not disclose, teach, or suggest at least "software adapted primarily for monitoring said equipment devices, said software including one or more software components, each software component for processing equipment data in accordance with an optional service," "a



communication module for receiving a set of configuration data adapted to enable or disable said software components, wherein said software components comprise at least software with instructions for monitoring a different appliance," and "a processor for executing said software in accordance with said configuration data," as recited and emphasized above in claim 22.

For example, *Narasimhan* appears to teach at most a single integrated chip that is connected to a device "thereby allowing the device to be easily connected to the internet for remote control and monitoring." Col. 6, lines 21-24. The chip 36 "implements all networking services required to interface the device with a high performance computer network 32 for remote control and monitoring by one or more clients 30." Col. 6, lines 30-35.

The Office Action alleges that the portion of the *Narasimhan* disclosure cited at col. 1, lines 62-63 discloses "software adapted primarily for monitoring said equipment devices, said software including one or more software components, each software component for processing equipment data in accordance with an optional service." However, this portion of the disclosure is describing a web server machine 20 of the background art. The portion of the disclosure that allegedly discloses "a communication module for receiving a set of configuration data adapted to enable or disable said software components, wherein said software components comprise at least software with instructions for monitoring a different appliance" and "a processor for executing said software components in accordance with said configuration data" is that of a single interface chip 36, as shown in FIG. 12. Therefore, the Office Action fails to state where the disclosure teaches an appliance for monitoring equipment that includes all of these claimed elements.

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Further, it appears that *Narasimhan* teaches at most that a single network interface chip 36 may be connected to a device and set up for different network interface options, but it clearly fails to teach or suggest that processing of equipment data is able to be configured in accordance with configuration data that is adapted to enable or disable optional service, as described in the claim. *See* cols. 11-12, lines 49-39.

Lastly, the cited art of *Perholtz* fails to cure the deficiencies of the *Narasimhan* reference in suggesting or teaching all of the claimed features. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Narasimhan* in view of *Perholtz* has not been made. For the aforementioned reasons, the rejection of claim 22 should be withdrawn.

e. **Claim 23**

As provided in independent claim 23, Applicants claim:

A system for monitoring equipment comprising:  
one or more monitoring appliances adapted to monitor said equipment, each monitoring appliance including:  
first means for receiving data from said equipment;  
second means for receiving a set of configuration data; and  
*third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said third means includes:*

*software for processing said equipment data, said software including one or more software components, each software component for performing an optional service, wherein said software is adapted to restart said monitoring appliance after receiving and storing said configuration data;*

*a memory for storing said software; and*

*a processor for executing said software in accordance with said configuration data, which is adapted to enable or disable said software components; and*

*fourth means for transmitting said configuration data to said monitoring appliances.*

(Emphasis added).

Applicants respectfully submit that independent claim 23 is allowable for at least the reason that *Narasimhan* in view of *Perholtz* does not disclose, teach, or suggest at least "third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services, wherein said third means includes: software for processing said equipment data, said software including one or more software components, each software component for performing an optional service, wherein said software is adapted to restart said monitoring appliance after receiving and storing said configuration data" and "a processor for executing said software in accordance with said configuration data, which is adapted to enable or disable said software components," as recited and emphasized above in claim 23.

For example, *Narasimhan* appears to teach at most a single integrated chip that is connected to a device "thereby allowing the device to be easily connected to the internet for remote control and monitoring." Col. 6, lines 21-24. The chip 36 "implements all networking services required to interface the device with a high performance computer network 32 for remote control and monitoring by one or more clients 30." Col. 6, lines 30-35.

The Office Action alleges that the portion of the *Narasimhan* disclosure cited at col. 5, lines 49-62 discloses "third means for processing said equipment data in accordance with a plurality of optional services, wherein said configuration data is adapted to enable or disable said optional services." However, this portion of the disclosure is describing a client 30 and not the single integrated chip 36. Regardless, the client 30 does not appear to process equipment data based upon configuration data that is adapted to enable or disable optional services. At most, *Narasimhan* teaches

that the chip 36 may be set up for different network interface options, but it clearly fails to teach or suggest that processing of equipment data is able to be configured in accordance with configuration data that is adapted to enable or disable optional service, as described in the claim. *See* cols. 11-12, lines 49-39.

The Office Action further alleges that the portion of the *Narasimhan* disclosure cited at col. 3, lines 48-52 discloses "wherein said third means includes: software for processing said equipment data, said software including one or more software components, each software component for performing an optional service, wherein said software is adapted to restart said monitoring appliance after receiving and storing said configuration data." This portion of the disclosure is also describing the client 30.

The Office Action then alleges that the portion of the *Narasimhan* disclosure cited at col. 5, lines 21-22 discloses "a processor for executing said software in accordance with said configuration data, which is adapted to enable or disable said software components." This portion of the disclosure, however, is describing devices 34 and not the client 30 or single network interface chip 36. Therefore, the Office Action fails to state where the disclosure teaches an appliance for monitoring equipment that includes all of these claimed elements.

Further, the Office Action acknowledges that *Narasimhan* fails to teach or suggest the feature "wherein said appliance is adapted to restart upon receiving a restart signal from said communication module," as recited in the claim. However, the Office Action alleges that *Perholtz* discloses the feature. Office Action, page 10.

Therefore, with regard to *Perholtz*, it appears to teach at most that a remote computer or PC 2 monitors a host PC 10 and in so doing, the remote PC 2 may instruct the host PC 10 to restart or re-boot. *See* col. 12, lines 16-32. This is not

similar to the present subject matter, since *Perholtz* fails to teach or suggest that an appliance for monitoring equipment is adapted to restart upon receiving a restart signal. Rather, *Perholtz* is more akin to the situation of an equipment device restarting, and not the appliance monitoring the equipment device. Therefore, *Perholtz* is legally inadequate to disclose the alleged feature.

For at least these reasons, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Narasimhan* in view of *Perholtz* has not been made. Therefore, the rejection of claim 23 should be withdrawn.

f. Claims 24-28, 30-32, and 34-36

Because independent claim 23 is allowable over the cited art of record, dependent claims 24-28, 30-32, and 34-36 (which depend from independent claim 23) are allowable as a matter of law for at least the reason that dependent claims 24-28, 30-32, and 34-36 contain all the elements and features of independent claim 23. For at least this reason, the rejections of claims 24-28, 30-32, and 34-36 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 24-28, 30-32, and 34-36, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Applicants further submit that the claims in their narrowest sense are allowable over the cited art. With particular regard to claim 32 (which depends from claims 31, 30, 27, 25, 24, and 23), Applicant submits that because of the uniqueness of the claim limitations, claim 32 clearly distinguishes the claimed subject matter over

the cited references. It is therefore respectfully requested that serious reconsideration be given to allowing claim 32.

g. Claim 37

As provided in independent claim 37, Applicants claim:

A system for monitoring office equipment comprising:  
one or more monitoring appliances adapted to monitor said office equipment, *each monitoring appliance including:*  
a data port for receiving data from said equipment;  
*appliance software adapted primarily for monitoring said equipment, said software including one or more software components, each software component for processing said equipment data in accordance with an optional service, wherein said optional service includes functionality for monitoring a different appliance;*  
*a first communication module for receiving a set of configuration data adapted to enable or disable said software components;*  
a first memory for storing said appliance software; and  
*a first processor for executing said software in accordance with said configuration data;* and  
a central server including:  
server software for controlling the communication of data to and from said monitoring appliances;  
a first database of configuration data for said monitoring appliances;  
a second memory for storing said server software and said first database;  
a second processor for executing said server software; and  
a second communication module for transmitting said configuration.

(Emphasis added).

Applicants respectfully submit that independent claim 37 allowable for at least the reason that *Narasimhan* in view of *Perholtz* does not disclose, teach, or suggest at least "each monitoring appliance including . . . appliance software adapted primarily for monitoring said equipment, said software including one or more software components, each software component for processing said equipment data in

accordance with an optional service, wherein said optional service includes functionality for monitoring a different appliance," "a first communication module for receiving a set of configuration data adapted to enable or disable said software components," and "a first processor for executing said software in accordance with said configuration data," as recited and emphasized above in claim 37

For example, *Narasimhan* appears to teach at most a single integrated chip that is connected to a device "thereby allowing the device to be easily connected to the internet for remote control and monitoring." Col. 6, lines 21-24. The chip 36 "implements all networking services required to interface the device with a high performance computer network 32 for remote control and monitoring by one or more clients 30." Col. 6, lines 30-35.

The Office Action alleges that the portion of the *Narasimhan* disclosure cited at col. 1, lines 62-64 discloses "each monitoring appliance including . . . appliance software adapted primarily for monitoring said equipment, said software including one or more software components, each software component for processing said equipment data in accordance with an optional service, wherein said optional service includes functionality for monitoring a different appliance." However, this portion of the disclosure is describing a web server machine 20 of the background art.

The portion of the disclosure that allegedly discloses "each monitoring appliance including . . . a first communication module for receiving a set of configuration data adapted to enable or disable said software components" is allegedly disclosed by the single network interface chip 36 in FIG. 12. The Office Action fails to cite where "each monitoring appliance including . . . a first processor for executing said software in accordance with said configuration data" is disclosed. Therefore, the Office Action fails to state where the disclosure teaches an appliance for monitoring

equipment that includes all of these claimed elements, since the Office Action cites a plurality of devices to disclose the claimed features.

Further, in citing the portion of the *Narasimhan* disclosure that teaches "a central server including . . . a second processor for executing said server software," the Office Action cites the single network interface chip 36 that was used as support in disclosing a monitoring appliance, as shown in FIG. 12. *See* Office Action, page 7.

It appears, at most, *Narasimhan* teaches that the chip 36 may be set up for different network interface options, but it clearly fails to teach or suggest that processing of equipment data is able to be configured in accordance with configuration data that is adapted to enable or disable optional service, as described in the claim. *See* cols. 11-12, lines 49-39.

Further, the cited art of *Perholtz* fails to cure the deficiencies of the *Narasimhan* reference in suggesting or teaching all of the claimed features. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Narasimhan* in view of *Perholtz* has not been made. Therefore, the rejection of claim 37 should be withdrawn.

h. Claims 38-41

Because independent claim 37 is allowable over the cited art of record, dependent claims 38-41 (which depend from independent claim 37) are allowable as a matter of law for at least the reason that dependent claims 38-41 contain all the elements and features of independent claim 37. For at least this reason, the rejections of claims 38-41 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 38-41, these dependent claims recite further features and/or combinations of



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features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Applicants further submit that the claims in their narrowest sense are allowable over the cited art. With particular regard to claim 41 (which depends from claims 40, 39, and 37), Applicant submits that because of the uniqueness of the claim limitations, claim 41 clearly distinguishes the claimed subject matter over the cited references. It is therefore respectfully requested that serious reconsideration be given to allowing claim 41.

i. Claim 42

As provided in independent claim 42, Applicants claim:

A system for monitoring office equipment comprising:  
one or more monitoring appliances adapted to monitor said office equipment, *each monitoring appliance including:*  
a data port for receiving data from said equipment;  
*a first communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components;*  
a first memory for storing said software components; and  
*a first processor for executing said software components in accordance with said configuration data;* and  
a central server including:  
server software for controlling the communication of data to and from said monitoring appliances;  
a first database of configuration data for said monitoring appliances;  
a second database of software components for said monitoring appliances;  
a second memory for storing said server software and said first and second databases;  
a second processor for executing said server software; and  
a second communication module for transmitting said configuration data and said software components to said monitoring appliances.

(Emphasis added).

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Applicants respectfully submit that independent claim 42 allowable for at least the reason that *Narasimhan* in view of *Perholtz* does not disclose, teach, or suggest at least "each monitoring appliance including . . . a first communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components" and "a first processor for executing said software components in accordance with said configuration data," as recited and emphasized above in claim 42

For example, *Narasimhan* appears to teach at most a single integrated chip that is connected to a device "thereby allowing the device to be easily connected to the internet for remote control and monitoring." Col. 6, lines 21-24. The chip 36 "implements all networking services required to interface the device with a high performance computer network 32 for remote control and monitoring by one or more clients 30." Col. 6, lines 30-35.

The Office Action alleges that FIG. 12 of the *Narasimhan* disclosure discloses "each monitoring appliance including . . . a first communication module for receiving one or more software components, each software component for processing said equipment data in accordance with an optional service, and for receiving a set of configuration data adapted to enable or disable said software components" and "a first processor for executing said software components in accordance with said configuration data." This portion of the disclosure is describing a single network interface chip 36.

At most, *Narasimhan* teaches that the chip 36 may be set up for different network interface options, but it clearly fails to teach or suggest that processing of equipment data is able to be configured in accordance with configuration data that is

adapted to enable or disable optional service, as described in the claim. *See* cols. 11-12, lines 49-39.

Further, in citing the portion of the *Narasimhan* disclosure that teaches "a central server," the Office Action cites the single network interface chip 36 that was used as support in disclosing a monitoring appliance referenced in FIG. 12. *See* Office Action, page 7. Therefore, the Office Action fails to cite where *Narasimhan* discloses all of the distinct system components in the claim.

Further, the cited art of *Perholtz* fails to cure the deficiencies of the *Narasimhan* reference in suggesting or teaching all of the claimed features. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Narasimhan* in view of *Perholtz* has not been made. Therefore, the rejection of claim 42 should be withdrawn.

j. Claim 43

As provided in independent claim 43, Applicants claim:

A method for remotely configuring a monitoring appliance for monitoring equipment including the steps of:

*storing a plurality of configurable software components in said monitoring appliance, each software component for performing a function of said monitoring appliance;*

*storing, in a central server, configuration data that determines which software components are enabled or disabled;*

*downloading said configuration data from said central server to said monitoring appliance; and*

*restarting said monitoring appliance with said software components enabled for or disabled from execution in accordance with said configuration data.*

(Emphasis added).

Applicants respectfully submit that independent claim 43 allowable for at least the reason that *Narasimhan* in view of *Perholtz* does not disclose, teach, or suggest at

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least "storing a plurality of configurable software components in said monitoring appliance, each software component for performing a function of said monitoring appliance," "storing, in a central server, configuration data that determines which software components are enabled or disabled," "downloading said configuration data from said central server to said monitoring appliance," and "restarting said monitoring appliance with said software components enabled for or disabled from execution in accordance with said configuration data," as recited and emphasized above in claim 43

For example, *Narasimhan* appears to teach at most a single integrated chip that is connected to a device "thereby allowing the device to be easily connected to the internet for remote control and monitoring." Col. 6, lines 21-24. The chip 36 "implements all networking services required to interface the device with a high performance computer network 32 for remote control and monitoring by one or more clients 30." Col. 6, lines 30-35.

The Office Action cites the single integrated chip 32 as disclosing the features of the claim. As indicated above, however, the chip 32 implements network services for interfacing a device with a network and does not seem to teach or suggest aspects of having configurable software components that perform functions of a monitoring appliance, where the configuration data determines which software components are enabled or disabled.

Further, the Office Action acknowledges that *Narasimhan* fails to teach or suggest the feature of "restarting said monitoring appliance with said software components enabled for or disabled from execution in accordance with said configuration data," as recited in the claim. However, the Office Action alleges that *Perholtz* discloses the feature. Office Action, page 10.

With regard to *Perholtz*, it appears to teach at most that a remote computer or PC 2 monitors a host PC 10 and in so doing, the remote PC 2 may instruct the host PC 10 to restart or re-boot. *See* col. 12, lines 16-32. This is not similar to the present subject matter, since *Perholtz* fails to teach or suggest that an appliance for monitoring equipment is adapted to restart upon receiving a restart signal. Rather, *Perholtz* is more akin to the situation of an equipment device restarting, and not the appliance monitoring the equipment device. Therefore, *Perholtz* is legally inadequate to disclose the alleged feature.

Additionally, the Office Action states that the aspect of the single chip storing configuration codes discloses the storing of configuration data in a central server. Office Action, page 9. The Office Action further states that the following passage, "software on the client may also be a custom application program installed on the client, or downloaded from the network interface chip," discloses the downloading of configuration data from the central server to the monitoring appliance. Office Action page 9 referencing Col. 8, lines 15-18 of *Narasimhan*. Applicants respectfully disagree since the software on the client is described as custom application program and is not shown to be configuration data, as described in the claim.

For at least these reasons, a *prima facie* case establishing an obviousness rejection by the proposed combination of *Narasimhan* in view of *Perholtz* has not been made. Therefore, the rejection of claim 43 should be withdrawn.

**k. Claims 44-46**

Because independent claim 43 is allowable over the cited art of record, dependent claims 44-46 (which depend from independent claim 43) are allowable as a matter of law for at least the reason that dependent claims 44-46 contain all the steps

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and features of independent claim 43. For at least this reason, the rejections of claims 44-46 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for the allowability of claims 44-46, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

For example, with regard to claim 44, the Office Action references the passage in *Narasimhan* that states "Custom client software installed on the client allows remote device monitoring and control without requiring a Web browser or JVM at the client" discloses "wherein a user can change which software components are enabled or disabled by modifying the configuration data stored in the central server" in claim

44 See Office Action page 10 referencing col. 8, lines 50-54 of *Narasimhan*. However, in expressing the rejection for base claim 43, the Office Action compared functionality of the single integrated chip to the central server where it seems that the rejection for claim 44 is comparing the functionality of the client in *Narasimhan* to the central server described in the claim.

Likewise, in expressing the rejection for claim 45, the Office Action references a passage from *Narasimhan* that seems to compare functionality of the single integrated chip with the central server described in the claim.


Therefore, the cited art does not appear to disclosed claimed elements or features that are being recited in the claims.

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**CONCLUSION**

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

  
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